

# Candidates and Campaigners Briefing Session

How to campaign within the rules and what will happen if you  
don't

# First Who Are We?

- Stephen Luntz – Returning Officer
- Patrick Clearwater – Deputy Returning Officer
- Jaimie Adam, Marian Lawrence, Polly Bennett, Charles Richardson – Assistant Returning Officers
- Undercover agents and poll clerks
  
- All from Above Quota Elections – independent election managers, not affiliated with UMSU, The University of Melbourne or any ticket

# Our Role

- We are employed to ensure everyone who is eligible gets to vote once, but no more.
- In addition, we are here to try as far as possible to ensure the constitution and election regulations are implemented.
- We don't write the regulations. We make recommendations each year on how they should change, but these are often not adopted.
- However, whether we agree with a regulation or not, it is our job to implement it unless it goes against the Constitution, law or so blatantly against democratic practice it is unconscionable.

# Why The Regulations Exist

- The regulations are there to try to make the election relatively fair, and to minimize harm and annoyance to ordinary students and those involved.
- Without the regulations there is a danger that the richest, or the most ruthless, candidates would almost always win. It's considered a good idea to avoid this.

# Key regulation principles

- People are entitled to a secret ballot
- Lying and dishonesty are not part of a fair election.
- Some safe zones should exist where people can avoid being bothered about the election.
- People are entitled to not be bullied, whether they be ordinary students wanting to vote or not vote according to their wishes, or candidates or campaigners.
- Non-students should not be campaigning for a body that is there to represent students.
- Racism, sexism, queerphobia etc are bad

# Secrecy of the ballot

- When someone is voting, no one should be able to see how they are voting, or even that they are voting, unless they have a disability and need assistance.
- If they need assistance, that should be from a member of AQE or another neutral party, not a campaigner.
- Not only must a ballot be secret, but people need to know their vote is secret. They should not be worrying that a campaigner can see how they are voting, even if that person can't.
- Therefore, when someone is voting, campaigners should not be around.

# Protecting the voters

- Campaigning is banned in certain locations. This includes libraries, and buildings where there is polling.
- For the purposes of this we include places where we have helpdesks, most importantly Building 168
- Do not chase voters who are walking away or otherwise showing they do not want to talk to you. If a voter wants to end a conversation, that is their right.

# Keeping track

- All campaign material needs to be registered with the Returning Officer.
- Material also needs to have been authorized with the name and and student number of a candidate.
- For **most** material you do not need to wait for us to respond – just send it to us to register, and you can start campaigning with it, whether we have responded or not.
- Two exceptions – HTV cards, and anything you think is borderline.
- Anyone campaigning in person needs student ID clearly displayed.

# Preventing Dishonesty

- Regulations ban misleading and deceptive conduct.
- Something can be technically true, while still being misleading.
- We see misleading and deceptive as different. Deceptive means an intent to deceive, misleading can be accidental.
- We treat deceptive conduct more seriously, but there can still be penalties for something that is misleading if it's serious enough and goes to sufficient people.
- When your statements may be misleading about yourself or your team, we may give you the benefit of some doubt. When it is negative about opponents there is no leeway – you **must** be able to prove it.

# Preventing bullying

- It should be obvious that physical altercations are against the rules.
- So is anything that could be physically intimidating – eg a bunch of people surrounding a campaigner and shouting abuse at them. Goes moreso when there is an imbalance of size or experience.
- Campaigners don't have to engage with you, particularly about sensitive topics.
- Every (large) team has people who love a bit of verbal argy-bargy, and people who don't. We're not here to stop the fun between the people who want to let off steam by arguing with members of another team who are up for it. We are here to protect the people who don't want to face abuse for the position their team (allegedly) holds.

# A word about Gaza and more

- You are entitled to campaign on your position in Gaza, or other issues, whatever that position is (unless it breaches the racism regulation).
- However, you need to be very careful about two things:
  - 1) Misrepresenting anyone else's position.
  - 2) Harassing people (for example trying to force people to listen to you when they have indicated they don't want to hear it).
- In regard to 1) AQE believes that Gaza (and most issues) have a spectrum of perspectives, not a binary for Palestine/for Israel.
- This is important, because just because someone's position is not the same as yours, does not mean you can link it to the extremists on the other side, unless you have very, very good evidence. This includes how people will interpret what you say, not just what you intend.

# Assessing breaches

- We rely a lot on complaints, particularly in relation to printed/electronic material.
- Just because we have registered something does not mean we can't impose penalties if someone brings a problem to our attention.
- Often we get complaints about behavior when it is one campaigner's word against another. Usually there is nothing we can do about this other than issue a warning, but there are exceptions. If you've lied to us before, don't expect us to believe you.
- We will trust the word of our staff, or of students we think are neutral, over campaigners pretty much every time.

# Penalties

- In the old days, all the Returning Officer could do is tell people to stop, or disqualify them. That did not work well.
- Consequently, we have been granted the power to ban some or all campaigning, and we use it.
- These bans can be for an individual for a certain period of time, or for a whole ticket.
- Sometimes bans are applied to innocent members of the ticket, because we know a team member committed a breach, but we don't know who, or a non-student campaigned.

# There Are Also Team Penalties

- If a breach of the rules is serious enough, or happens often enough, we can ban the entire ticket from campaigning for a period of time.
- You really don't want to be the person who gets your whole ticket banned, they will probably hate you.
- However, the alternative to a ticket ban is often referring people to the University for discipline proceedings. We do not want to do this, because we understand how severe the consequences can be.
- Sometimes we know a team member has done something, but don't know which one, so we will ban members of the ticket at random for a period.

# We Don't Claim To Be Perfect

- The severity of bans varies. Sometimes you might get a heavier ban than your opponent for what seems to be the same thing.
- That can be because you'd had a warning, or for some other reason it was actually more serious.
- Also penalties get heavier as the week goes on.
- But yes, we won't always judge the penalties perfectly, sometimes a penalty may be a bit heavier or a bit lighter than would be consistent.
- We're just doing the best we can under a lot of pressure and time.

# The Electoral Tribunal

- The Electoral Tribunal are three lawyers.
- All our decisions can be appealed there, but they usually don't meet quickly, so the election may be over before there is a decision.
- Only the Tribunal can disqualify a candidate if they are eligible to run.
- However, we can recommend disqualification to the Tribunal if a breach is serious enough.
- We hope not to have to do this, but we have on rare occasions in the past.

# Contacting us

- I know we sound harsh and dangerous after all that, but most of the time we are very nice people.
- If you have questions, ask us – much better to ask than break a rule and have us after you.
- You can reach us on [Returningofficer@union.unimelb.edu.au](mailto:Returningofficer@union.unimelb.edu.au)  
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- My number is 0438 667 787. Unless it is very urgent, text is preferred.